

REMARKS

FORMAL MATTERS:

Claims 39-41 are pending after entry of the amendments set forth herein.

Claim 39 is amended. Support for these amendments is found in original claim 1.

No new matter is added.

REJECTIONS UNDER §112, ¶1

Claims 39-41 are rejected under 35 U.S.C. §112, first paragraph.

The rejection is traversed as applied and as it might be applied to the presently pending claims. It appears as though the rejection was made because the prior claim did not specifically indicate that the PrP protein was an infectious protein and that the method of the invention rendered the infectious protein non-infectious. The claim has been rewritten to clarify this. Accordingly, the rejection is believed to have been overcome and its reconsideration and withdrawal is respectfully requested.

DOUBLE PATENTING REJECTION

Claims 39-41 are rejected under the judicially created doctrine of obviousness type double patenting over claim 1 of U.S. Patent No. 6,719,988. Although applicants do not acquiesce to the validity of the rejection, attached hereto is a Terminal Disclaimer rendering the rejection moot.

REJECTIONS UNDER §103(A)

Claims 39-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Reichel (U.S. Patent No. 5,633,349) in view of West et al. ('66) and Rohwer (5,780,288) or Bowing et al. (U.S. Patent No. 4,051,059).

The rejection is traversed as applied and as it might be applied to the presently pending claims.

Applicants point out that the claims indicate that the infectious PrP proteins are rendered non-infectious in two hours or less. The primary reference to Reichel indicates that the biological material is maintained in contact with the composition for "a minimum of 12 hours" as shown at col. 6, line 47. Reichel does not teach towards the particular method taught by applicants which is capable of rendering infectious PrP protein non-infectious within 2 hours or less.

Applicants appreciate that the rejection is also supported by secondary references which references disclose various aspects of carrying out disinfection of other types of microbes using acids of the type taught by applicants. However, there is nothing within the various secondary references which would suggest to one of ordinary skill in the art that the particular combination of pH range, and active component could be used in a method which would render infectious PrP protein non-infectious in 2 hours or less. In view of such applicants respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number UCAL-131CON3.

Respectfully submitted,
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Date:

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